

matter, along with other legislative appropriations whatever, in view of the necessity which has arisen due to the condition of the State's finances as reported by the Comptroller and the Treasurer.

The resolution was read second time.

Mr. Bond offered the following substitute for the resolution:

Whereas, The Forty-first Legislature was in session sixty (60) days in Regular Session, followed by First, Second and Third Called Sessions, consuming much time and expense to the members, as well as entailing much expense to the taxpayers of the State.

Whereas, There was considered, and full opportunity to consider, much legislation for the good of Texas and its institutions during the foregoing sessions.

Whereas, The Governor of Texas has seen fit to reassemble the Forty-first Legislature in this Fourth Called Session for the purpose of considering the reports of committees looking to the improvement of our penitentiary system and the fee system of county officers; therefore, be it

Resolved, by the House of Representatives, That it is the sentiment of the House that no other legislation will be considered other than the two measures submitted by the Governor in his message, together with such matters as may be strictly local, and that the Governor is respectfully requested not to submit any further measures or matters for our consideration, unless they be strictly of local nature, until the above matters are disposed of; be it further

Resolved, That a full and complete consideration of the reports of the two committees, for which the Governor reassembled the Forty-first Legislature in Fourth Special Session, be pushed with dispatch and disposed of with due diligence within thirty (30) days or less, thereby resulting in saving the taxpayers of Texas much expense, as well as a saving to the members of the Legislature.

Mr. Purl raised a point of order on further consideration of the substitute resolution on the ground that the substitute resolution is not germane to the original resolution.

The Speaker sustained the point of order.

Mr. Finlay offered the following substitute for the resolution:

Whereas, This session has been called for the express purpose of considering the reports of two important committees

appointed by a preceding session of the same; and

Whereas, There is danger that the efforts and work of these two committees will be lost unless their recommendations are acted upon at this time; therefore, be it

Resolved, That this session consider only matters submitted to it by the Governor, each in its turn as submitted, and that we use our utmost efforts to dispose of each subject at the earliest opportunity.

Signed—Finlay, Lee.

Mr. Shaver raised a point of order on further consideration of the substitute resolution by Mr. Finlay on the ground that the substitute resolution is not germane to the original resolution.

The Speaker sustained the point of order.

Question—Shall Senate concurrent resolution No. 2 be adopted?

COMMITTEE TO INVESTIGATE THE ERECTION OF CERTAIN STATE OFFICE BUILDING.

The Speaker announced the following committee to secure the required information asked by resolution concerning the Highway Department:

Messrs. Bond, Petsch and Sanders.

ADJOURNMENT.

On motion of Mr. Avis, the House, at 12:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills and resolutions, as follows:

Appropriations: Senate bill No. 2.

Education: House concurrent resolution No. 4.

Public Lands and Buildings: House concurrent resolution No. 2.

FOURTH DAY.

(Thursday, January 23, 1930.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Mr. Speaker.	Kinnear.
Acker.	Land.
Ackerman.	Lee.
Adkins.	Lemens.
Albritton.	Long of Wichita.
Allred.	Loy.
Avis.	Magee.
Baker.	Mankin.
Barnett.	Marks.
Bateman.	McDonald.
Bond.	McGill.
Bounds.	Mehl.
Bradley.	Minor.
Brice.	Moore.
Brooks.	Morse.
Carpenter.	Mosely.
Chastain.	Mullally.
Coltrin.	Murphy.
Conway.	Negley.
Cox of Limestone.	Olsen.
Davis.	O'Neill.
DeWolfe.	Palmer.
Dunlap.	Patterson.
Enderby.	Pavlica.
Farrar.	Petsch.
Finn.	Prendergast.
Finlay.	Purl.
Forbes.	Ray.
Fuchs.	Renfro.
Gates.	Richardson.
Gilbert.	Riley.
Giles.	Rogers.
Graves	Sanders.
of Williamson.	Savage.
Graves of Erath.	Shaver.
Hardy.	Shelton.
Harding.	Sherrill.
Harman.	Simmons.
Harper.	Snelgrove.
Harrison.	Speck.
Heaton.	Stephens.
Hefley.	Storey.
Hines.	Tarwater.
Hogg.	Tillotson.
Hornaday.	Van Zandt.
Hubbard.	Veatch.
Johnson	Waddell.
of Dallam.	Wallace.
Johnson	Walters.
of Dimmit.	Warwick.
Johnson of Smith.	Webb.
Johnson of Scurry.	West.
Jones.	Wiggs.
Justiss.	Williams
Keeton.	of Sabine.
Keller.	Williams
Kennedy.	of Hardin.
Kincaid.	Williams
King.	of Travis.

Absent.

Eickenroht.	McKean.
Kayton.	Montgomery.
Long of Houston.	Nicholson.
Mauritz.	Pool.
Maynard.	Pope of Jones.

Pope of Nueces.	Reid.
Quinn.	Sinks.
Reader.	Young.

Absent—Excused.

Anderson.	Martin.
Baldwin.	McCombs.
Beck.	Metcalf.
Cox of Lamar.	Rountree.
Duvall.	Stevenson.
Ewing.	Strong.
Holder.	Thompson.
Hopkins.	Turner.
Jenkins.	Westbrook.
Kemble.	Woodruff.
Kenyon.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Anderson for today and tomorrow, on motion of Mr. Mehl.

Mr. Woodruff for today and the balance of the week, on motion of Mr. DeWolfe.

Mr. Turner for today and the balance of the week, on motion of Mr. Wiggs.

Mr. Duvall for today, on motion of Mr. Patterson.

Mr. Stevenson for today and the balance of the week, on motion of Mr. Mankin.

Mr. Hopkins for today and the balance of the week, on motion of Mr. McDonald.

Mr. Metcalfe and Mr. Rountree for today and the balance of the week, on motion of Mr. DeWolfe.

Mr. McCombs and Mr. Beck for today, on motion of Mr. Purl.

Mr. Cox of Lamar for today, on motion of Mr. Conway.

Mr. Martin for today, on motion of Mr. Van Zandt.

Mr. Baldwin and Mr. Westbrook for today, on motion of Mr. Harman.

Mr. Thompson and Mr. Kemble for today, on motion of Mr. Morse.

Mr. Metcalfe for today, on motion of Mr. Bond.

The following member was granted leave of absence on account of illness:

Mr. Rogers for Monday, Tuesday and Wednesday of this week, on motion of Mr. Jones.

**INVITATION FROM PRESIDENT OF
SAM HOUSTON STATE
TEACHERS COLLEGE.**

The Speaker laid before the House and had read the following invitation:

Huntsville, Texas, Jan. 21, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

I cordially invite members of Legislature when in Huntsville to visit Sam Houston Teachers College and General Houston's old home and ground. No entertainment proposed, but brief inspection in line with your patriotic interest in the heroic traditions of Texas and your responsibility for her institutions.

H. F. ESTILL,
President Sam Houston
State Teachers College.

**PROVIDING FOR ADJOURNMENT
TO VISIT PENITENTIARY.**

Mr. Bradley offered the following resolution:

H. C. R. No. 7, Providing for adjournment.

Whereas, The House of Representatives of the State of Texas has authorized a trip of inspection of the penitentiary properties of the State by the Legislature of the State of Texas; and

Whereas, The Senate and the House of Representatives will be on said trip of inspection of penitentiary properties during a large part of the time between the present date and January 27th; and

Whereas, There is no business that the House can transact during their period; be it

Resolved by the House of Representatives, the Senate concurring, That when the House adjourns today it will stand adjourned until Monday, January 27th, at 10 a. m.

Signed—Bradley, Morse, Hardy, Sanders, Hogg, Petsch.

The resolution was read second time and was adopted.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 23, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed:

H. C. R. No. 5, Requesting Congressman Sam Rayburn to use his influence

in obtaining the passage of legislation relative to construction of a free bridge across the Red River boundary between Texas and Oklahoma.

H. C. R. No. 6, Requesting the Governor to submit certain subjects for legislation.

S. C. R. No. 3, Relative to adjournment in order to inspect the penitentiaries.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

EMPLOYES ANNOUNCED.

The Speaker announced the appointment of the following additional employees:

Mrs. Frances Henderson, stenographer.

Mrs. Effie Waldron, stenographer.

Miss Harriete Brown, typist.

Raymond Banks, page.

Justine Blakesley, stenographer.

**REQUESTING GOVERNOR TO FURNISH CERTAIN FINANCIAL
STATEMENT TO HOUSE.**

Mr. Avis offered the following resolution:

H. C. R. No. 8, Requesting certain information from Governor.

Whereas, According to published reports of the press of Texas at different times recently it appears that tax money, collected for specific purposes, had been diverted and used for purposes other than the purposes for which it was collected. This, if true, is a direct and flagrant violation of Section 7, Article 8, of the Constitution of Texas; and

Whereas, Section 6 of Article 8 of the Constitution provides that no money shall be drawn from the Treasury, except in pursuance of specific appropriations made by law; and

Whereas, Section 49 of Article 3 of the Constitution provides that no debt shall be created by or on behalf of the State, except for the specific purposes named; and

Whereas, Section 9 of Article 4 of the State Constitution requires the Governor to inform the Legislature of the condition of the State; therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the Governor furnish within the next ten days a financial statement as of January 15, 1930, and other information herein requested of the condition of the funds named herein, as disclosed by the records of the Comptrol-

ler's office and the State Treasurer's office, as follows:

A. General Revenue.

First—Amount of general revenue in the State Treasury.

Second—Amount of outstanding warrants against the general revenue.

Third—Is there any general revenue in the State Treasury that has not already been appropriated?

Fourth—Will the income from taxes levied, including the ad valorem, the occupation, and the franchise tax, and from other sources, be equal to or exceed the amount of all appropriations already made for the biennium, ending August 31, 1931?

As the answer to this question must be based on estimates as to the income, please furnish detailed statement of your estimate.

Fifth—Has any of the general revenue fund been used during the period, September 1, 1929, to January 15, 1930, for any purpose or purposes contrary to legislative authority in paying warrants not drawn against the general revenue fund or has any of the fund been transferred to any other fund or deposited in any banks without authority of law?

B. Pension Fund.

First—Give the amount of money in this fund as of January 15, 1930.

Second—Give the amount of outstanding warrants against this fund as of January 15, 1930.

If warrants drawn against this fund and paid exceeded the amount of money collected by the 7-cent tax from September 1, 1929, to January 15, 1930, give the fund out of which the money was paid.

C. Trust Fund.

First—In many instances the law requires funds, in approved securities or money, to be deposited in the State Treasury as a condition precedent for different lines of business to be carried on in Texas. If such deposits are required to be in money, is the money now in the State Treasury, and, if not, and same is deposited in banks, state to what fund the interest on such deposits is credited.

D. School and Highway Funds.

First—Give the amount of money in the available school fund, also the amount in the permanent school fund, and the amount in the highway fund separately as of January 15, 1930.

Second—Give the amount of outstanding warrants against each of these funds as of January 15, 1930.

Third—Has any money from these funds or any one of them been used to pay warrants other than warrants drawn against such funds at any time from September 1, 1929, to January 15, 1930, where same was not authorized by law?

Fourth—Has any money belonging to these funds or any one of them been deposited in banks between September 1, 1929, and January 15, 1930, and, if so, please cite legislative authority for making such deposits.

Signed—Avis, Graves of Erath.

The resolution was read second time.

Mr. Van Zandt moved that the resolution be referred to the Committee on State Affairs.

Mr. Bond moved to table the motion to refer the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—44.

Acker.	Magee.
Ackerman.	Mankin.
Albritton.	Marks.
Avis.	Minor.
Barnett.	Mosely.
Bond.	Negley.
Bounds.	Olsen.
Brice.	Palmer.
Davis.	Pavlica.
DeWolfe.	Prendergast.
Finlay.	Ray.
Giles.	Renfro.
Graves of Erath.	Richardson.
Heaton.	Riley.
Hefley.	Rogers.
Hogg.	Sherrill.
Hornaday.	Snelgrove.
Johnson of Scurry.	Stephens.
Jones.	Veatch.
Kennedy.	Webb.
King.	Williams
Kinnear.	of Sabine.
Lee.	

Nays—56.

Adkins.	Finn.
Allred.	Forbes.
Baker.	Fuchs.
Bateman.	Gates.
Brooks.	Gilbert.
Carpenter.	Graves
Chastain.	of Williamson.
Coltrin.	Hardy.
Conway.	Harding.
Cox of Limestone.	Harper.
Enderby.	Harrison.
Farrar.	Hubbard.

Johnson	Purl.
of Dallam.	Sanders.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Smith.	Simmons.
Justiss.	Speck.
Keeton.	Tarwater.
Keller.	Tillotson.
Kincaid.	Van Zandt.
Land.	Waddell.
Long of Wichita.	Walters.
McGill.	Warwick.
Mehl.	West.
Morse.	Wiggs.
Mullally.	Williams
Murphy.	of Hardin.
O'Neill.	Williams
Petsch.	of Travis.
Pool.	

Present—Not Voting.

Dunlap.	Storey.
Hines.	

Absent.

Bradley.	Moore.
Eickenroht.	Nicholson.
Harman.	Patterson.
Kayton.	Pope of Jones.
Lemens.	Pope of Nueces.
Long of Houston.	Quinn.
Loy.	Reader.
Mauritz.	Reid.
Maynard.	Savage.
McDonald.	Sinks.
McKean.	Young.
Montgomery.	

Absent—Excused.

Anderson.	Martin.
Baldwin.	McCombs.
Beck.	Metcalfe.
Cox of Lamar.	Rountree.
Duvall.	Stevenson.
Ewing.	Strong.
Holder.	Thompson.
Hopkins.	Turner.
Jenkins.	Wallace.
Kemble.	Westbrook.
Kenyon.	Woodruff.

Question then recurring on the motion to refer the resolution, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—71.

Acker.	Brooks.
Ackerman.	Carpenter.
Adkins.	Chastain.
Alfred.	Coltrin.
Baker.	Conway.
Bateman.	Cox of Limestone.
Bounds.	Davis.
Bradley.	Enderby.

Farrar.	Morse.
Finn.	Mullally.
Forbes.	Murphy.
Fuchs.	O'Neill.
Gates.	Palmer.
Gilbert.	Petsch.
Giles.	Pool.
Graves	Prendergast.
of Williamson.	Purl.
Hardy.	Richardson.
Harding.	Riley.
Harper.	Rogers.
Harrison.	Sanders.
Hines.	Savage.
Hogg.	Shaver.
Hubbard.	Shelton.
Johnson	Simmons.
of Dallam.	Speck.
Johnson	Tarwater.
of Dimmit.	Tillotson.
Johnson of Smith.	Van Zandt.
Justiss.	Waddell.
Keeton.	Walters.
Keller.	Warwick.
Kincaid.	West.
Lee.	Williams
Marks.	of Sabine.
Maynard.	Williams
McGill.	of Hardin.
Mehl.	Williams
Minor.	of Travis.

Nays—31.

Albritton.	Long of Wichita.
Avis.	Magee.
Barnett.	Mankin.
Bond.	Mosely.
Brice.	Negley.
DeWolfe.	Olsen.
Finlay.	Patterson.
Graves of Erath.	Pavlica.
Heaton.	Ray.
Hefley.	Renfro.
Hornaday.	Sherrill.
Johnson of Scurry.	Snelgrove.
Jones.	Stephens.
Kennedy.	Veatch.
King.	Webb.
Land.	

Present—Not Voting.

Storey.	Wiggs.
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Absent.

Mr. Speaker.	McKean.
Anderson.	Montgomery.
Dunlap.	Moore.
Eickenroht.	Nicholson.
Harman.	Pope of Jones.
Kayton.	Pope of Nueces.
Kinnear.	Quinn.
Lemens.	Reader.
Long of Houston.	Reid.
Loy.	Sinks.
Mauritz.	Young.
McDonald.	

Absent—Excused.

Baldwin.	McCombs.
Beck.	Metcalf.
Cox of Lamar.	Rountree.
Duvall.	Stevenson.
Ewing.	Strong.
Holder.	Thompson.
Hopkins.	Turner.
Jenkins.	Wallace.
Kemble.	Westbrook.
Kenyon.	Woodruff.
Martin.	

PROVIDING FOR ADJOURNMENT
TO INSPECT PENITENTIARY
SYSTEM.

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 3, Providing for adjournment of both houses to make inspection trip to penitentiary.

The resolution was read second time and was adopted.

REPORT OF COMMITTEE TO INVESTIGATE
CERTAIN BUILDING
AT TYLER, TEXAS.

The Speaker laid before the House and had read the following report:

House of Representatives,
Austin, Texas, January 22, 1930.

Hon. W. S. Barron, Speaker of the House of Representatives:

We, your committee, appointed under resolution passed by the House of Representatives on January 22, 1930, to investigate whether or not the Highway Department had built or contracted to build an office building in the city of Tyler, Texas, and out of what funds such building was contracted to be paid, beg to report that the Highway Commission, together with the State Highway engineer, came before us and submitted their records, and from the evidence submitted we find as follows:

First—The city of Tyler owns a tract of land situated adjacent to the St. L. S. W. Railway with switching facilities. The tract of land fronts on Bois D'Arc street 79 feet and runs back westward 350 feet and southward 203.3 feet to the railroad. On this tract of land there was situated a large ironclad warehouse, which properties had been previously used by the Smith County Highway Commission in conjunction with the city of Tyler. This property is situated approximately one and one-half blocks from the courthouse square.

Second—That on the 10th day of September, 1929, a contract was entered into between the State Highway Com-

mission and the city of Tyler by the terms of which the city leased the above mentioned property to the State Highway Department for a period of ten years with an option of renewal for another period of ten years at a yearly rental of \$1.00.

Third—That the terms of the contract provide that the State Highway Commission bound itself to build and erect on the above mentioned premises a two-story brick office structure, according to certain plans and specifications adopted by the State Highway Department, with reasonable alterations as may be necessary to come within the amount appropriated for such building.

Fourth—That in pursuance of the above mentioned contract the State Highway Commission, after competitive bids, has let a contract to build the building for the sum of \$13,412, same to be paid for out of the highway funds.

Fifth—That prior to the letting of the contract the Highway Commission was advised by the Attorney General's Department, as per written opinion hereto attached, that it had the authority under the law to enter into the contract for the erection of the building in question and had the right to spend the funds of the State Highway Department for such purposes.

Sixth—That under the above mentioned rental contract with the city of Tyler that when the Highway Department ceases to use and occupy the rented premises, the same, together with all improvements thereon, reverts to the city of Tyler.

Seventh—That in the operation and maintenance of the various divisions—eighteen in number—six of which are maintained at no rental, the remaining twelve cost approximately \$1,560 each per year. In the six divisions, where no rental is charged, all space for offices and for warehouses is furnished by the cities free of charge to the Highway Department with the exception of one at Balmorrhea, where the Highway Department has erected office rooms and a warehouse at the approximate cost of \$2,500.

Eighth—The committee desires to report that the Highway Commission stated that they appreciated having been given the opportunity of explaining the conditions which prompted the erection of the office building at Tyler and the reasons which actuated the Commission to take these steps. The Commission further stated that any records which the Legislature desired from time to time would be cheerfully fur-

nished to the Legislature or the public at any time, and that the same could be furnished without any trouble or loss of time to the Commission.

Ninth—For the information of the Legislature, the committee reports that the evidence upon which this report is based has been reduced to writing and is on file with the Chief Clerk, and that all the records which the committee examined have been returned to the Highway Department, and are on file and available to any member of the Legislature.

We submit the foregoing as our report and ask that the committee be discharged.

Respectfully submitted,

BOND,
PETSCH,
SANDERS.

Austin, Texas, January 23, 1930.

Hon. Gibb Gilchrist, State Highway Engineer, State Office Building, Austin, Texas.

Re: File D.

Dear Sir: Your letter of the 16th instant addressed to Attorney General Pollard has been referred to the writer for attention. You asked to be advised if the State Highway Department may legally expend money from the State highway fund for the purchase of land for building sites or storage yards for materials and equipment to be used in connection with the construction and maintenance of State highways. You also state that in many instances the Commission is able to purchase the land for a cost about equal to the rent for three or four years and that it is more economical to purchase the property outright than to rent the same.

Articles 6673 and 6674 authorize the Highway Commission to maintain and construct highways. The appropriation for the Highway Department as found at page 292, Acts of the First Called Session of the Fortieth Legislature provide for the use of funds for the establishment of a system of highways.

While the Highway Commission is only given authority to construct and maintain highways, yet we are of the opinion that the Commission is not restricted to the exercise of the powers expressly conferred upon it, but it may exercise implied powers as are necessary to carry out the powers expressly granted or such as are required to accomplish the purposes for which they were created. 29 C. J. 563-64.

We see, then, that in order to deter-

mine whether the Highway Commission has authority to purchase land for building sites or storage yards for materials and equipment, it is necessary to determine whether the purchase of such land is necessary in order to construct or maintain highways. It might be necessary in one instance, and not in another.

The mere fact that by purchasing the land the State will eventually be saved an amount of money is not sufficient authority to authorize the purchase any more than the Commission would have authority to purchase a factory to build road machinery at a lower cost than the same could be purchased. We see, therefore, that the matter inquired about is a question of fact for the Commission to determine, and in the absence of abuse in its discretion or a clear showing that the same is not a necessary incident to the construction or maintenance of a highway, its action should stand.

Yours very truly,

(Signed)

H. GRADY CHANDLER,
Assistant Attorney General.

(Mr. Morse in the chair.)

On motion of Mr. Sanders, the report was received and ordered printed in the Journal.

(Speaker in the chair.)

REQUESTING GOVERNOR TO SUBMIT CERTAIN SUBJECT.

The Speaker laid before the House, for consideration at this time,

S. C. R. No. 2, Relative to the submission of certain legislation in regard to summer school appropriation.

The resolution having heretofore been read second time and referred to the Committee on Education.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—82.

Mr. Speaker.	Davis.
Ackerman.	Dunlap.
Allred.	Enderby.
Baker.	Farrar.
Barnett.	Finn.
Bounds.	Forbes.
Bradley.	Fuchs.
Brice.	Gates.
Brooks.	Gilbert.
Carpenter.	Giles.
Coltrin.	Graves
Conway.	of Williamson.
Cox of Limestone.	Graves of Erath.

Harding.	Palmer.
Harrison.	Patterson.
Heaton.	Petsch.
Hines.	Pool.
Hogg.	Prendergast.
Hornaday.	Purl.
Hubbard.	Ray.
Johnson	Richardson.
of Dallam.	Riley.
Johnson	Rogers.
of Dimmit.	Sanders.
Johnson of Smith.	Savage.
Jones.	Shaver.
Justiss.	Shelton.
Keeton.	Sherrill.
Keller.	Simmons.
King.	Storey.
Land.	Tarwater.
Loy.	Tillotson.
Mankin.	Waddell.
Marks.	Walters.
Maynard.	Warwick.
McDonald.	Webb.
McGill.	West.
Minor.	Williams
Moore.	of Sabine.
Morse.	Williams
Mullally.	of Hardin.
Murphy.	Williams
Negley.	of Travis.
Nicholson.	Young.
Olsen.	

Nays—19.

Acker.	Kennedy.
Albritton.	Kincaid.
Avis.	Lee.
Bateman.	Magee.
Bond.	Renfro.
DeWolfe.	Snelgrove.
Finlay.	Van Zandt.
Harper.	Veatch.
Hefey.	Wiggs.

Present—Not Voting.

Pavlica.	Stephens.
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Absent.

Adkins.	McKean.
Chastain.	Mehl.
Eickenroht.	Montgomery.
Hardy.	Mosely.
Harman.	O'Neill.
Johnson of Scurry.	Pope of Jones.
Kayton.	Pope of Nueces.
Kinnear.	Quinn.
Lemens.	Reader.
Long of Houston.	Reid.
Long of Wichita.	Sinks.
Mauritz.	Speck.

Absent—Excused.

Anderson.	Beck.
Baldwin.	Cox of Lamar.

Duvall.	Metcalfe.
Ewing.	Rountree.
Holder.	Stevenson.
Hopkins.	Strong.
Jenkins.	Thompson.
Kemble.	Turner.
Kenyon.	Wallace.
Martin.	Westbrook.
McCombs.	Woodruff.

COMMITTEE ASSIGNMENTS OF
NEW MEMBERS.

Speaker Barron asked unanimous consent of the House that the new members, elected to take the place of those resigned, be assigned to take the places on the various committees made vacant by their respective predecessors.

There was no objection offered and it was so ordered.

RELATIVE TO CASHING OF
WARRANTS.

Mr. Tillotson offered the following resolution:

Resolved, That the State Treasurer be authorized to cash warrants issued to members of the Legislature and employees of the body in advance of the date of issue for the week ending January 25, 1930.

The resolution was read second time.

Mr. Purl moved that the resolution be referred to the Attorney General's Department.

Mr. Finlay moved to table the motion to refer the resolution.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—47.

Mr. Speaker.	Justiss.
Baker.	Keller.
Barnett.	Kinnear.
Bounds.	Land.
Bradley.	Lee.
Carpenter.	Loy.
Chastain.	McDonald.
Cox of Limestone.	Moore.
DeWolfe.	Morse.
Enderby.	Mullally.
Farrar.	Palmer.
Finlay.	Petsch.
Forbes.	Pool.
Hardy.	Prendergast.
Harding.	Richardson.
Harman.	Riley.
Harper.	Shaver.
Harrison.	Shelton.
Heaton.	Speck.
Hines.	Tarwater.
Johnson of Smith.	Tillotson.
Jones.	Waddell.

Walters.
Williams
of Travis.

Young.

Nays—53.

Ackerman.	Minor.
Albritton.	Mosely.
Allred.	Negley.
Avis.	Olsen.
Bateman.	O'Neill.
Bond.	Patterson.
Brice.	Pavlica.
Brooks.	Purl.
Coltrin.	Ray.
Conway.	Renfro.
Eickenroht.	Rogers.
Finn.	Sanders.
Fuchs.	Savage.
Gilbert.	Sherrill.
Graves of Erath.	Simmons.
Hefley.	Snelgrove.
Hornaday.	Stephens.
Hubbard.	Storey.
Johnson	Veatch.
of Dallam.	Wallace.
Johnson	Warwick.
of Dimmit.	Webb.
Kennedy.	West.
Kincaid.	Wiggs.
King.	Williams
Magee.	of Sabine.
Mankin.	Williams
Marks.	of Hardin.
McGill.	

Present—Not Voting.

Gates.	Johnson of Scurry.
Giles.	Keeton.
Graves	
of Williamson.	

Absent.

Acker.	Mehl.
Adkins.	Montgomery.
Davis.	Murphy.
Dunlap.	Nicholson.
Hogg.	Pope of Jones.
Kayton.	Pope of Nueces.
Lemens.	Quinn.
Long of Houston.	Reader.
Long of Wichita.	Reid.
Mauritz.	Sinks.
Maynard.	Van Zandt.
McKean.	

Absent—Excused.

Anderson.	Jenkins.
Baldwin.	Kemble.
Beck.	Kenyon.
Cox of Lamar.	Martin.
Duvall.	McCombs.
Ewing.	Metcalfe.
Holder.	Rountree.
Hopkins.	Stevenson.

Strong.
Thompson.
Turner.

Westbrook.
Woodruff.

Question then recurring on the motion to refer the resolution to the Attorney General's Department, it was lost by the following vote:

Yeas—27.

Albritton.	McGill.
Allred.	Negley.
Avis.	Pavlica.
Brooks.	Purl.
Carpenter.	Renfro.
Davis.	Richardson.
Heaton.	Rogers.
Hogg.	Sanders.
Hubbard.	Savage.
Johnson	Simmons.
of Dimmit.	Storey.
Kennedy.	Veatch.
King.	Wallace.
Marks.	Warwick.

Nays—75.

Mr. Speaker.	Keller.
Acker.	Kincaid.
Ackerman.	Kinnear.
Baker.	Land.
Barnett.	Lee.
Bateman.	Loy.
Bond.	Magee.
Bounds.	Mankin.
Bradley.	McDonald.
Brice.	Moore.
Chastain.	Morse.
Coltrin.	Mullally.
Conway.	Olsen.
Cox of Limestone.	O'Neill.
DeWolfe.	Palmer.
Dunlap.	Patterson.
Enderby.	Petsch.
Eickenroht.	Pool.
Farrar.	Prendergast.
Finn.	Ray.
Finlay.	Riley.
Forbes.	Shelton.
Fuchs.	Sherrill.
Gates.	Snelgrove.
Gilbert.	Stephens.
Giles.	Tarwater.
Hardy.	Tillotson.
Harding.	Waddell.
Harman.	Walters.
Harper.	Webb.
Harrison.	West.
Hefley.	Wiggs.
Hines.	Williams
Hornaday.	of Sabine.
Johnson	Williams
of Dallam.	of Hardin.
Johnson of Smith.	Williams
Jones.	of Travis.
Justiss.	Young.
Keeton.	

Present—Not Voting.

Graves Johnson of Scurry.
of Williamson.

Absent.

Adkins.	Mosely.
Graves of Erath.	Murphy.
Kayton.	Nicholson.
Lemens.	Pope of Jones.
Long of Houston.	Pope of Nueces.
Long of Wichita.	Quinn.
Mauritz.	Reader.
Maynard.	Reid.
McKean.	Shaver.
Mehl.	Sinks.
Minor.	Speck.
Montgomery.	Van Zandt.

Absent—Excused.

Anderson.	Martin.
Baldwin.	McCombs.
Beck.	Metcalfe.
Cox of Lamar.	Rountree.
Duvall.	Stevenson.
Ewing.	Strong.
Holder.	Thompson.
Hopkins.	Turner.
Jenkins.	Westbrook.
Kemble.	Woodruff.
Kenyon.	

Mr. Purl then moved that further consideration of the resolution be postponed indefinitely.

Yeas and nays were demanded and the motion prevailed by the following vote:

Yeas—69.

Acker.	Johnson
Ackerman.	of Dimmit.
Albritton.	Johnson of Scurry.
Allred.	Keeton.
Avis.	Keller.
Bateman.	Kennedy.
Bounds.	Kincaid.
Bradley.	King.
Brooks.	Land.
Chastain.	Loy.
Coltrin.	Mankin.
Davis.	Marks.
Enderby.	McDonald.
Forbes.	McGill.
Fuchs.	Moore.
Giles.	Morse.
Graves of Erath.	Mullally.
Hardy.	Negley.
Harding.	O'Neill.
Harman.	Palmer.
Harrison.	Pavlica.
Heaton.	Petsch.
Hogg.	Pool.
Hornaday.	Purl.
Hubbard.	Ray.
Johnson	Renfro.
of Dallam.	Rogers.

Sanders.	Tarwater.
Savage.	Veatch.
Shaver.	Waddell.
Shelton.	Walters.
Sherrill.	Warwick.
Simmons.	Webb.
Snelgrove.	West.
Speck.	Young.
Storey.	

Nays—30.

Baker.	Justiss.
Barnett.	Kinnear.
Bond.	Lee.
Brice.	Magee.
Carpenter.	Olsen.
Conway.	Patterson.
Cox of Limestone.	Prendergast.
DeWolfe.	Riley.
Farrar.	Tillotson.
Finn.	Wiggs.
Finlay.	Williams
Gilbert.	of Sabine.
Harper.	Williams
Hefley.	of Hardin.
Hines.	Williams
Johnson of Smith.	of Travis.
Jones.	

Present—Not Voting.

Graves	Richardson.
of Williamson.	Stephens.

Absent.

Mr. Speaker.	Minor.
Adkins.	Montgomery.
Dunlap.	Mosely.
Eickenroht.	Murphy.
Gates.	Nicholson.
Kayton.	Pope of Jones.
Lemens.	Pope of Nueces.
Long of Houston.	Quinn.
Long of Wichita.	Reader.
Mauritz.	Reid.
Maynard.	Sinks.
McKean.	Van Zandt.
Mehl.	

Absent—Excused.

Anderson.	Martin.
Baldwin.	McCombs.
Beck.	Metcalfe.
Cox of Lamar.	Rountree.
Duvall.	Stevenson.
Ewing.	Strong.
Holder.	Thompson.
Hopkins.	Turner.
Jenkins.	Wallace.
Kemble.	Westbrook.
Kenyon.	Woodruff.

RELATIVE TO THE ERECTION OF
STATE BUILDINGS.

Mr. Hornaday offered the following resolution:

Whereas, It appears that the Highway Department has caused the erection of a building at Tyler, Texas, without the authority of the Legislature: be it

Resolved, That the House of Representatives declares that it disapproves of the policy of the erection of any substantial buildings by any department without the authority of the Legislature.

Signed—Graves of Erath, Hornaday, Brooks.

The resolution was read second time.

Mr. Keller moved to table the resolution.

Mr. Hardy raised a point of order on further consideration of the resolution on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

Question: Shall the resolution be adopted?

(Mr. Young in the chair.)

ADJOURNMENT.

On motion of Mr. Hardy, the House, in accordance with S. C. R. No. 3, at 12 o'clock m., adjourned until 10 o'clock a. m. next Monday, January 27, 1930.

APPENDIX.

PROCEEDINGS OF THE COMMITTEE APPOINTED TO INVESTIGATE CERTAIN STATE BUILDING.

January 22, 1930.

Bond: As chairman of the committee, as a preliminary matter, I wish to state to the Commission that it was not the intention to cast any reflection on anybody by the introduction of the resolution authorizing this investigation, but merely for the seeking of information to be made public. It has been currently reported throughout my section of the State, and while I have not seen it, I understand that it has been reported in the Tyler papers to the effect that the Highway Commission has seen fit to build an office building in the city of Tyler, and it is the purpose of this investigation to find out if that is true and, if so, the cost of such building, the purpose and need of such building, in order that that information may be given to the Legislature.

Johnson: Is it the desire of the committee that the witnesses be sworn?

Petsch: It is mostly a matter of record; I do not think it is necessary.

Bond: Mr. Gilchrist, will you make a statement?

Mr. Johnson: I think it would be more appropriate for me to make the statement, as I have more information than Mr. Gilchrist.

The division offices of the Tyler division, together with the warehouse, the offices and material grounds, have been for years situated about one and one-half blocks from the postoffice in Tyler, on the branch of the Cotton Belt railroad. I do not know the dimensions of the ground, but imagine there's more than an acre. On that has been situated, at least, we have been using for years, a large iron building erected originally as a cotton warehouse, it is extremely commodious, furnishing room for our machine shop, for materials and supplies, and with an abundance of room or ground for our kind of highway materials. In front of this warehouse and next the street has been a small two-room box house, erected originally for the cotton weigher—two adjoining rooms—offhand, I would say fifteen feet square. That building has been used for a number of years as the division offices. For all of the time I have been on the Commission it has been incommodious and did not have sufficient room, no adaptation, no arrangement or otherwise for division headquarters offices. The matter of providing better accommodations and room for the division engineer and his forces has been pending practically ever since I went on the Commission and have been postponed from time to time. Probably a year ago it reached the point where something had to be done. We considered for some time building some additions to this box house—you know what I mean by a box house, built out of 1x12s and stripped. We considered putting up some additions ourselves, but, after figuring on it, we concluded, in view of that little house, and the fact that it would be frame, the cost and character of it when completed, a more substantial building was necessary to house our division headquarters. Then, the engineers were directed to prepare plans and specifications for a new office building on these grounds. We also considered going up town and renting office space for the division engineer and his force, but it developed that if we went up and got an office building, even over one of our storerooms, by the time we fixed it up the rent would be more than any reasonable interest on the in-

vestment of building a new building. We came to the conclusion that it would be economic to build the new building, housing with the division engineer his entire force, with two superintendents of maintenance, with clerks, assistants, draftsman and things of that kind. I have been there when it looked like there wasn't room enough for all the employees to be seated at a desk or table at one time. The original appropriation made for the building was limited to \$12,000. When the plans and specifications were made, they ran perhaps \$2000 or \$2500 over and above the appropriation. At my suggestion, particularly, the engineers were directed to cut out as many of the features of the building as they could to bring it within our appropriation, and they did cut out all they could without changing the whole plan or reducing the floor space. They brought it down to \$13,412.00. The contract has been let and the building is now under process of construction. I do not think any adequate floor space could have been secured anywhere in the city, by rent, in which it would not have cost \$100 or more rent and then not have been adequate and just what we needed. The investment which we are making on this building, at 6 per cent interest, would be somewhere between \$60 or \$70 per month. We have a twenty-year lease on the grounds and the premises, which includes a spur out to this building, which rent does not cost anything.

Mr. Sterling: I think the committee should see the size of the warehouse and the amount of ground that the city of Tyler has given.

Mr. Johnson: This ground all belongs to the city of Tyler.

Mr. Petsch (reading from map): Will you permit me to state in the record that this plot shows to be 203.3 x 350 on the square sides and 79 feet on the east street front and the distance along the railroad is not given, but it exceeds 350 feet, about 375 feet on the track frontage.

Mr. Johnson: That location is particularly desirable, that unlike a good many places, we have been unable to have division headquarters close to the warehouses; this is all on the same plot of ground. The Commission adopted this plan after long deliberation, purely upon the ground that we thought it was economic to go there and build a building, when it cost nothing but for the building. We thought it would be economic to build a building that would be appropriate and a fireproof building, for

that is an important consideration, since it is near the railroad and subject to fire. We have a lot of important records that we keep there, some of them not duplicated, and we felt we needed a permanent building. I talked with the city a good deal to see if we could not get them to go in there and put in additions to the building, but they said no, they could not give ground, warehouse and build another building without charging rent. We thought the rent in this case would have been more than our investment. If I had not been a little thin-skinned about putting an improvement like this in the town in which I lived, I think it would have been put up two years ago, but I hesitated about spending money in my own town when I am a member of the Commission. We debated the question as to what the authority of the Highway Commission was in the first place, "to build, construct and acquire ground for these purposes." I gave it as my legal opinion that, as far as leasing grounds and putting building on it, there was no question but that the general power given to the Highway Commission "to construct, maintain and do highway work," carried with it the power to get places for carrying on highway work, but our authority to acquire real estate might involve some legal question. Mr. Gilchrist took the opinion of the Attorney General that the authority implied in the general authority to carry on the work of maintenance carried with it implied authority to provide places for our employees to carry on work and said that whether that could be done or not was a question of fact, as to whether the Highway Commission thought it was necessary and proper for the carrying on of the work.

Mr. Petsch: I suggest that you file a copy of the opinion with us.

Mr. Johnson: I told them, let's put up a substantial building, but put no more money in it than was necessary, and I had some features cut out, but we could not rearrange it so as to get it within the original appropriation without cutting out some of the floor space. Our records have been piling up, and as I say, this box house was subject to fire, and if the division headquarters records should be burned up and destroyed, outside of what we have duplicated here in the department, it would be a calamity.

Mr. Sterling: I would like to state that the office space as provided in this building, even at Tyler, would be worth about \$235 per month rent, and we are

getting it for about \$60 per month, figuring by the square foot.

Mr. Bond: Do you know about the values in Tyler; you live in Houston, do you not, Mr. Sterling?

Mr. Sterling: I say, even at Tyler. At Houston, of course, it would be much more.

Mr. Johnson: We have been arriving toward the point, all the time, of getting our facilities as near permanent as possible. We rent a building, the time comes for some addition or remodeling to comply with present demands, then there is the question of an increase in rent. We have moved from time to time, which always creates confusion and loss of time. The highway system of Texas and the question of construction of highways is a perpetual one and will never be finished. It is not a thing for today or tomorrow, but when we are all dead and gone they will still be working on highways with some sort of machinery and that machinery will be distributed around over the State and there must be a place to house them. We have been trying to economize as much as possible, but we have been trying to get our own warehouses and offices so as not to be subject to being shifted about. In Dallas, San Antonio, in fact, in all the larger cities in the State, we have to go uptown and rent office space, which is rather high; then, too, the warehouses are out of town, away from the offices, and that takes up a great deal of the time of the employes, going back and forth. If we could, without being extravagant, get places properly located near town, we could erect small office buildings and have the warehouses and office buildings together; it would be dollars and cents saved.

Judge Bond questioning Mr. Johnson:

Q. I have some questions I desire to ask, which I would like to get in the records in order to have everything straight. This property, where you propose to erect this office building, belongs to the city of Tyler, does it not?

A. Yes, sir.

Q. How far is it situated from the city of Tyler?

A. A block and a half from the public square.

Q. This property was a piece of property that was formerly used by the Smith County Highway Commission, was it not?

A. Yes, partly.

Q. In conjunction with the city of Tyler?

A. Yes.

Q. The Smith County Highway Commission and the city of Tyler had on this piece of property a steel warehouse, and isn't that there now being used by the State?

A. Yes, sir.

Q. The Highway Commission entered into a contract with the city of Tyler by which the city of Tyler leased this for ten years at \$1.00 per year. Did that include the steel warehouse?

A. Yes, sir. Everything on that, including the present warehouse.

Q. Your contract with the city of Tyler, were you to build on this piece of property?

A. Well, I think it says in consideration thereof that we shall erect an office building.

Q. A two-story brick building?

A. I don't remember, but I think so.

Q. The contract says, "in consideration of \$1.00 to be paid on September 10th of each year during the term of this lease; that the party of the second part, i. e., the State Highway Commission, further agrees and obligates itself to erect a two-story brick office structure, according to plans and specifications which have heretofore been adopted by the Highway Department, and which said plans and specifications are now on file in the office of the State Highway Department at Tyler, Texas." Now, that is the contract?

A. Yes, that is the copy.

Q. What is the amount of the appropriation that has been made for the erection of the building?

A. When we got the plans and specifications it amounted to about \$13,000.

Q. Can you give me the exact amount?

Mr. Sterling: \$13,412.

Mr. Johnson: It was my suggestion that they cut out every item possible and bring it within \$12,000.

Mr. Bond: What is the amount of the contract?

A. \$13,400.

Q. Then the report that this building cost \$42,000 is not correct?

A. No, and the contract is on file. We let the public bids.

Mr. Petsch: You said you let the bids? Were those bids sealed?

A. Yes. After due advertisement.

Q. In this contract there seems to be no provision made for the payment of the improvements, but when the State Highway Commission ceases to use this building, it reverts back to the city, does it not?

A. Yes, but automatically it could be moved.

Q. Your contract of lease is for ten

years, with an option to renew for an additional ten years for \$1.00 a year?

A. Yes.

Q. How many offices are there to be in the building?

A. Two large rooms upstairs. Two small rooms downstairs. One for the division engineer and one for his assistant. The remainder was to be used for such other use as we might put it to. It is a nice building, but it is not extravagant. There is not a thing in the building that we thought would not be needed. The only objection that I have to this investigation is the impression that the public gets; that I was spending a lot of money in Tyler that wasn't needed.

Q. I think this investigation will do you a justice.

A. None of us object to the investigation, but you know that it goes out in the newspapers that we are investigated again. I am glad that it is being carried on. For two years I haven't practiced law, and I haven't a particle of use for an office. I have been renting an office in an office building downtown for no other reason than that the highway made no provision for one for me. I have no stenographer and no phone. I write my letters with my own hand. I think you have gotten some letters from me written in my own hand. I could have used a stenographer for division headquarters.

Q. What counties are there in your district?

A. Van Zandt, Smith, Henderson, Cherokee, Rusk, Gregg, Harrison, Wood, Upshur.

Q. Isn't Kaufman County?

A. No.

Mr. Gilchrist: Panola is.

Q. What appropriation has been made to equip that building?

Mr. Gilchrist: It is all complete. With fans and everything else in it.

Q. Now, the funds that go to build this building, are these appropriated out of the State highway fund?

A. (Mr. Johnson). I don't know whether they will charge it to maintenance or structural. It comes out of the highway funds.

Q. Have there been any other office buildings built in the State of Texas?

A. I don't think so.

Mr. Gilchrist: There is one at Bal-morrhea. Built two years ago.

Mr. Johnson: That was a necessity. There are a great many places where they should be built. We have been postponing this. We have so many demands that we are trying to economize,

but we have gotten to the point now that we find that it is a waste of money to rent an office and repair and remodel others. And have our division office in downtown and the warehouse four miles away. They waste so much time going back and forth.

Mr. Bond: You are familiar with rental values?

A. Yes.

Q. What do you figure, Mr. Johnson, the space that you are getting in this new building would cost the Highway Commission in Tyler to rent by the month or year?

A. If we had it properly arranged, we couldn't get it for \$100 per month. It would cost us \$200 if in the National Bank building. We have sketching and everything in the world to be done. If we would go uptown anywhere, a space over a two-story old building, and have a man remodel and fix up like we want it, we couldn't get it for \$1.00 per month.

Mr. Sterling: If you will permit, I would like to make a statement.

Mr. Sterling:

In answering the question, or that is, supplementing Mr. Johnson's answer, I would say that he has put it at about one-half of what it would really cost. That is, what this space would be worth, 2200 square feet; it would be worth considerably more in Tyler or anywhere else. It would be worth ten cents in Tyler and about 20 cents in Houston.

Mr. Johnson: The reason I say \$100, we have built some office buildings there and there are some old ones there that are dilapidated that we could rent for \$100 per month, but after we had gone to the expense of having them fixed up, so that we could use it, they would not give us a contract for more than five years. I could probably go off of the square and secure a place and have the men figure and see how much it would cost to fix it up and possibly build it over, practically; then we could perhaps get it for a period of ten years at \$100 or \$150 per month.

Mr. Petsch: There is no other place, fire-proof and conveniently located, that you could get like this?

Mr. Johnson: Oh, no; we could not get it for less than \$250 per month, not anything nearly as good as this. We felt we had to either do this or add to the boxhouse and try to get by with it, so we did this and have it for ten years. I said nobody could tell that the headquarters would be located at Tyler for more than this period, but it is situated near the center of the division and I said

put it ten years, and we can then extend it if we think best.

Mr. Sterling: I would like to read the amount paid out for rent in different headquarters. Division 1, \$600 per year, at Paris; warehouse owned on leased property. That is \$50 per month. Division 2, nominal rent of \$1.00 per year, with warehouse furnished by Tarrant County. Division 3, office rent per year, \$1440; warehouse furnished by Wichita County. Division 4, the warehouse rent is \$1.00 per year and office rent \$1,580 per year. The warehouse is furnished by Potter County; it is in Amirallo. Division 5, \$1,590 rent for office headquarters. Division 6, we do not appear to pay any—oh, yes; that is where we own the building in Balmorhea.

Mr. Bond: What did it cost?

Mr. Sterling: I do not know what the investment is.

Mr. Gilchrist: I think about \$2,500, but I do not recall. It was a question of putting up a building there, as there was no building available.

Mr. Sterling: Division 9, \$1,260. Division 10, Lufkin, we own the warehouse and office together next to the railroad. We have offices upstairs, do we not?

Mr. Gilchrist: Yes.

Mr. Johnson: My understanding is Lufkin furnishes the building.

Mr. Sterling: Division 11, rent \$1,020. I see No. 11 is Lufkin, No. 10 is Tyler. Division 12, which is Houston, we pay \$100 per year for the warehouse. The office rent in Division 12 is \$2,142, as long as they were in my building they did not pay anything. Division 13, \$540 and \$270 for the warehouse.

Mr. Petsch: Where is that located?

Mr. Sterling: That is Yoakum. Division 14, office rent is highest of anywhere; that is Austin; the office rent is \$2,280 for the year and we use Camp Mabry for the warehouse. Division 15, San Antonio, \$1,980 for office rent and \$1,200 for warehouse, making \$3,180 per year. Division 16, \$900 for warehouse; that is Corpus Christi; \$1,020 for office. Division 17, \$660 rent, which includes warehouse and the office is in the courthouse. That is Bryan. The Chamber of Commerce at Bryan is paying \$75 per month. The new Division 18 is just es-

tablished. We do not appear to pay any office rent in Dallas. That is furnished. Some of these places have room in the courthouse and the counties are generous enough to give us the space. Others there isn't room. Some might have room and do not want the State to occupy it. I do not think there was any—in fact, I know, Mr. Johnson was reluctant about this. He is not responsible for it.

Mr. Petsch: You want to go on record that Mr. Johnson must not have all the credit, then?

Mr. Sterling: Yes, I think it was a good investment.

Mr. Bond: Do you mean that this is the policy of the Highway Commission to build office buildings over the State?

Mr. Sterling: I think it would be the best thing to do if the location is near the center of the division, because it would locate those divisions so that new commissions would not be shifting to some other point for political reasons.

Mr. Bond: You think it would prove economical to the State?

Mr. Sterling: I certainly do, especially in getting warehouse sites. You can get leases and in a few years sell off part of it.

Mr. Bond: Is there any further statement?

Mr. Sterling: I would like to state that we have some other negotiations for construction of our warehouses and along with it the room for division headquarters. There are advantages over having offices with the division headquarters. The machinery must be stored. There are instances of gasoline being taken from the machinery where there is no place to house machinery. It is a lot better to have the division engineer near his warehouse and have his force there, because the stuff will be looked after better, the shop men and every one else would be more efficient than if they were out where no one knew what they were doing.

Mr. Johnson: We took a long time thinking this over and talking it over, and considered it from all angles before we finally decided to build this building.

Mr. Bond: Do we have any further questions?

The committee adjourned to go into executive session to formulate plans for their report.

In Memory
of
Hon. Clarence E. Gilmore

Mr. Barron offered the following resolution:

Whereas, There has fallen before the grim reaper of death one whose beautiful, constructive, unselfish life and character has enriched much of the history of the State. For many years being one of the outstanding lawyers and jurists at the time of his death on October 10, 1929, in the city of San Antonio, while in performance of his official duty, Clarence E. Gilmore died as he lived, a patriot and statesman; and

Whereas, As a member of the House of Representatives of the Thirtieth and Thirty-first Legislatures of the State of Texas, he rendered signal service to his State, with honor to himself and his constituents; and

Whereas, As a member of the Railroad Commission of this State for eleven years and as Chairman of said Commission at the time of his death, Judge Gilmore was ever outspoken in the interest of the trust imposed upon him and faithful to duty: Now, therefore, be it

Resolved by the House of Representatives of the Forty-first Legislature in Fourth Called Session assembled, set aside a page of the House Journal in memory of Hon. Clarence E. Gilmore and that a copy of this resolution be sent to the widow and sons of this honored citizen and that when the House adjourns today it be in memory of this Christian gentleman.

Signed—Barron, Van Zandt, Bateman, Johnson of Scurry, Hubbard, Heaton, Johnson of Smith, Richardson, Acker, Ackerman, Adkins, Bradley, Brice, Anderson, Avis, Baker, Baldwin, Barnett, Beck, Bond, Bounds, Bradley, Brice, Brooks, Carpenter Chastain, Coltrin, Conway, Cox of Lamar, Cox of Limestone, Davis, DeWolfe, Dunlap, Duvall, Enderby, Ewing, Eickenroht, Farrar, Finn, Finlay, Forbes, Fuchs, Gates, Gilbert, Giles, Graves of Williamson, Graves of Erath, Hardy, Harding, Harman, Harper, Harrison, Hefley, Hines, Hogg, Holder, Hopkins, Hornaday, Jenkins, Johnson of Dallam, Johnson of Dimmit, Jones, Justiss, Kayton, Keeton, Keller, Kemble, Kennedy, Kenyon, Kincaid, King, Kinnear, Land, Lee, Lemens, Long of Houston, Long of Wichita, Loy, Magee, Mankin, Marks, Martin, Mauritz, Maynard, McCombs, McDonald, McGill, McKean, Mehl, Metcalfe, Minor, Montgomery, Moore, Morse, Mosley, Mullally, Murphy, Negley, Nicholson, Olsen, O'Neill, Palmer, Patterson, Pavlica, Petsch, Pool, Pope of Jones, Pope of Nueces, Prendergast, Purl, Quinn, Ray, Reader, Reid, Renfro, Riley, Rogers, Rountree, Sanders, Savage, Shaver, Shelton, Sherrill, Simmons, Sinks, Snelgrove, Speck, Stephens, Stevenson, Storey, Strong, Tarwater, Thompson, Tillotson, Turner, Veatch, Waddell, Wallace, Walters, Warwick, Webb, West, Westbrook, Wiggs, Williams of Sabine, Williams of Hardin, Williams of Travis, Woodruff, Young.

The resolution was read second time and was adopted by a rising vote. -